

FISCAL NOTE

HB 2909 - SB 3247

March 10, 2006

SUMMARY OF BILL: Creates a new Class D felony offense to knowingly produce or distribute a material intended for human consumption containing a hallucinogenic plant. Creates a new Class E felony offense to knowingly possess a material or mixture intended for human consumption that contains a hallucinogenic plant.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$180,900 / Incarceration*

Assumptions:

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years.
- Ten persons will be convicted of Class D felony offenses for producing or distributing a material intended for human consumption containing a hallucinogenic plant in the first year. Population growth of 1.09 percent per year will result in one additional offender charged with this Class D felony offense in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based upon 11 offenders serving 0.6 years.
- Eleven offenders will serve 0.6 years (219.15 days). According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate is \$10,961.88 (\$50.02 x 219.15 days). The total operating cost is \$120,580.68 (\$10,961.88 x 11).
- Ten persons will be convicted of Class E felony offenses for possessing a material or mixture intended for human consumption that contains a hallucinogenic plant in the first year. Population growth of 1.09 percent per year will result in one additional offender charged with this Class E felony offense in the tenth year as a result of this bill. The maximum cost in the tenth year is based upon 11 offenders serving 0.3 years.
- Eleven offenders will serve 0.3 years (109.58 days). The cost per inmate is \$5,481.19 (\$50.02 x 109.58 days). The total operating cost is \$60,293.09 (\$5,481.19 x 11).

- According to DOC, there is no prior experience with prosecution and incarceration for this offense or any substantially similar offense. Accordingly, the estimated number of offenders is uncertain.

** Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director